

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

MARK HAGERMAN,  
Plaintiff,  
v.  
CORNUTT, et al.,  
Defendants.

Case No.: 2:23-cv-00491-APG-DJA

**ORDER**

(ECF Nos. 3, 4, 5, 6, 8)

On April 3, 2023, pro se plaintiff Mark Hagerman, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1.) Plaintiff subsequently filed three incomplete applications to proceed *in forma pauperis* (ECF Nos. 4, 6, 8.) Plaintiff's applications to proceed *in forma pauperis* are incomplete because **Plaintiff did not include a complete financial certificate or an inmate trust fund account statement for the previous six-month period with the applications.** The Court will deny Plaintiff's applications without prejudice and give Plaintiff the opportunity to correct these deficiencies **by June 23, 2023.**

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**

1 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.  
 2 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her  
 3 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.  
 4 See 28 U.S.C. § 1915(b).

5 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
 6 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*  
 7 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
 8 fee or file a new fully complete application to proceed *in forma pauperis* with all three  
 9 required documents.

10 Plaintiff has filed two motions requesting that the Court order a High Desert State  
 11 Prison official to provide him a financial certificate. (ECF Nos. 3, 5.) Plaintiff's initial  
 12 motion includes Plaintiff's request for a financial certificate, and a response stating that it  
 13 would take one to four months to get the financial certificate. (ECF No. 3 at 2.) The Court  
 14 has given Plaintiff until June 23, 2023, to file a complete application to proceed *in forma*  
 15 *pauperis*. If Plaintiff cannot file a complete application by this deadline, he may file a  
 16 request for an extension. Plaintiff's requests for the Court to order a High Desert State  
 17 Prison official to provide him a financial certificate are denied.

## 18 **II. CONCLUSION**

19 It is therefore ordered that the applications to proceed *in forma pauperis* (ECF  
 20 Nos. 4, 6, 8) are denied without prejudice.

21 It is further ordered that Plaintiff's requests for a court order directing a High Desert  
 22 State Prison Official to provide him a financial certificate (ECF Nos. 3, 5) are denied.

23 It is further ordered that Plaintiff has **until June 23, 2023**, to either pay the full \$402  
 24 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three  
 25 required documents: (1) a completed application with the inmate's two signatures on page  
 26 3, (2) a completed financial certificate that is signed both by the inmate and the prison or  
 27 jail official, and (3) a copy of the inmate's trust fund account statement for the previous  
 28 six-month period.

1 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
2 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
3 to refile the case with the Court, under a new case number, when Plaintiff can file a  
4 complete application to proceed *in forma pauperis* or pay the required filing fee.

5 The Clerk of the Court is directed to send Plaintiff Mark Hagerman the approved  
6 form application to proceed *in forma pauperis* for an inmate and instructions for the same  
7 and retain Plaintiff's first amended complaint (ECF No. 8-1) but not file it at this time.

8 DATED THIS 26<sup>th</sup> day of April 2023.

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12 UNITED STATES MAGISTRATE JUDGE  
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